

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

PETER PAGAN,

Petitioner,

v.

Civ No. 23-cv-251-JB-JHR
CR No. 15-cr-4078-JB-JHR-1

UNITED STATES OF AMERICA,

Respondent.

ORDER TO ANSWER

This matter is before the Court on Petitioner Peter Pagan's Motion to Vacate his federal sentence under 28 U.S.C. § 2255 (CV Doc. 1) (the "Motion"). Pagan's Motion is premised on *United States v. Taylor*, 142 S. Ct. 2015 (2022), in which the United States Supreme Court held that attempted Hobbs Act Robbery does not qualify as "a crime of violence" as a predicate for felony conviction and enhanced sentencing for using a firearm in furtherance of a crime of violence. Having reviewed the allegations pursuant to Habeas Corpus Rule 4, the Court determines the Motion must be resolved on a full record. The Court will order the United States to respond to the Motion within 30 days of entry of this Order.

IT IS ORDERED that the Clerk's Office shall **FORWARD** to the United States Attorney's Office a copy of the Motion (**CV Doc. 1**), along with a copy of this Order;

IT IS FURTHER ORDERED that the United States must **FILE** a habeas answer within thirty (30) days of entry of this Order.



HONORABLE JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE